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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,406	06/22/2000	ROMAN VITENBERG	106545	8259
24505	7590	05/05/2005	EXAMINER	
DANIEL J SWIRSKY PO BOX 2345 BEIT SHEMESH, 99544 ISRAEL			CHUNG, JASON J	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/599,406

Applicant(s)

VITENBERG, ROMAN

Examiner

Jason J. Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 1-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 46-48 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's failure to adequately traverse the Examiner's taking of Official Notice in the last office action is taken as an admission of the fact(s) noticed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graves (US Patent # 5,410,344) in view of Ehreth (US Patent # 6,286,142).

Regarding claim 46, Graves discloses buildings 18a...18z (column 3, lines 23-53; figure 1).

Graves discloses a multiplicity of interface controllers 17 (figure 1) each connectable to a subscriber converter 20a, 20b...20z (figure 1) serving one of the subscriber premises 18a...18z (column 3, lines 23-53; figure 1).

Graves discloses means for downloading video films or broadcast transmitted (column 3, lines 10-22; broadcasts: column 9, lines 48-54) from a central office 12 of a communication

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service provider through at least one of the subscriber converters 20a...20z (column 3, lines 23-53).

Graves discloses a storage unit 30a for storing the downloaded video films or broadcast (column 6, lines 5-16; figure 2).

Graves discloses means for transmitting a selected one of the downloaded video films or broadcast to one of the subscriber premises 18a...18z through its associated subscriber converter 20a...20z (column 3, lines 23-53).

Graves discloses means for transmitting along a wire 16 a selected one of the downloaded video films or broadcast to one of the subscriber premises 18a...18z through its associated subscriber converter 20a...20z (column 3, lines 10-53).

Graves is silent to the disclosure of a video server for a building having more than one subscriber premises therein. In analogous art, Ehreth discloses a video server 30 for a building 102 having more than one subscriber premises therein 104 (column 2, line 59-column 3, line 10; figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Graves to have a video server for a building having more than one subscriber premises therein as taught by Ehreth for the benefit of serving more than one unit in a building.

Regarding claim 48, Graves in view of Ehreth discloses at least one interface controller connectable to a data receiving system selected from the group consisting cable TV receiver equipment and terminal receiver device for an optical fiber (Ehreth: column 3, lines 21-23; Graves: column 9, lines 48-54).

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2. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graves in view of Ehreth.

Regarding claim 47, although Graves in view of Ehreth discloses VOD, Graves in view of Ehreth is silent as to the video server can download video films...subscriber premises. The examiner takes Official Notice that in NVOD system, downloading the first segment of the program to multiple set top boxes not currently in use is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Graves in view of Ehreth to download the first segment simultaneously to users' set top boxes not currently in use for the benefit of saving bandwidth by placing multiple users on the same bandwidth.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (571) 272-7292. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJC



CHRIS GRANT
PRIMARY EXAMINER